REMARKS

Pending Claims

Claims 1 and 3-10 are pending in this application. Claims 1 and 3-8 have been amended. No new matter has been added.

Claim Rejections under 35 U.S.C. §103

Claims 1, 3, and 4 stand rejected under 35 USC 103(a) as being unpatentable over Huberman, U.S. Patent No. 5,826,244 in view of Kinney et al., U.S. Patent No. 7,249,085, Shoham et al., U.S. Patent No. 6,285,989, Odom et al., U.S. Patent No. 6,058,379, and Koopersmith, U.S. Pregrant Publication No. 2001/0042002.

Claims 5-10 stand rejected under 35 USC 103(a) as being unpatentable over Huberman.

Applicants request reconsideration of the rejections for the following reasons.

Claims 1, 3, and 4

Applicants respectfully submit that claim 1 as amended is patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for instance, they do not teach or suggest a method for auction brokerage service provided by a computer that resides between an information terminal of a user putting up an identical commodity to be an auctioned commodity and a plurality of auction servers at a plurality of auction sites accessed by a plurality of buyers to perform brokerage operation for an auction of the auctioned commodity among the auction servers, the method comprising step of transmitting an auction registration request in the name of

the user to each of the auction servers at the auction sites that have been selected by the user from among the selected auction servers at the selected auction sites to receive a notification that the auctioned commodity of the user has been registered at the selected auction servers, the selected auction servers auctioning the auctioned commodity simultaneously at the selected auction sites to the plurality of buyers accessing the selected auction sites.

Huberman discloses a broker process 230 disposed between customer processes 210a and supplier processes 220a. The broker process 230 "is a process that oversees the auction and acts as auctioneer," and "can accept document services job requests from customer processes 210 and solicit and accept bids on such job requests from supplier processes 220, and can strike bargains between customer processes 210 and supplier processes 220" (col. 8, lines 5-13). As such, the broker process 230 is similar to an auction server recited in claim 1 (auctioning the auctioned commodity to a plurality of buyers), **not** a computer between an information terminal and a plurality of auction servers to perform brokerage operation for an auction of an auctioned commodity among the auction servers. Thus, Huberman does not disclose the structure of the auction brokerage service as recited in claim 1.

Nor does Huberman teach or suggest the method for auction brokerage service provided by the computer of claim 1 which resides between the information terminal and the plurality of auction servers. Claim 1 recites method steps for auction brokerage service performed by a computer between an information terminal and a plurality of auction servers. The computer is **not** an auctioneer, unlike the broker process 230 in Huberman, which itself characterizes the broker process 230 as an auctioneer.

For example, the broker process 230 in Huberman does not select information of the auction servers because the broker process 230 itself is essentially an auction server and it does not interact with a plurality of auction servers (i.e., broker processes) to perform brokerage service as recited in claim 1. Instead, the broker process 230 interfaces with customer processes 210 submitting job requests and with supplier processes 220a providing bids on the job requests. Furthermore, the broker process 230 does not transmit an auction registration request to auction servers (i.e., broker processes), and it does not gather trade information at selected auction servers (i.e., broker processes).

Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of Huberman because they neither disclose the computer for auction brokerage service disposed between the information terminal and a plurality of auction servers, nor teach or suggest the method steps for auction brokerage service as recited in claim 1. Kinney enables each individual bidder to view a comparison of submitted bids in their own context, but it has nothing to do with gathering trade information at selected auction servers. Shoham discloses multiple auctions simultaneously and the notification of the participant of the progress of a bid, but it has nothing to do with multiple auctions by selected auction servers at selected auction sites for the identical commodity. Odom discloses multiple concurrent auctions, but it has nothing to do with multiple auctions by selected auction servers at selected auction sites for the identical commodity. Koopersmith discloses a search server searching a database of website addresses for websites fitting a certain word definition, but it has nothing to do with multiple auctions by selected auction servers at selected auction sites for the identical commodity.

The Examiner asserts that the steps of gathering trade information of how the auctioned commodity has been bid for at the selected auction servers and tendering to the other selected auction sites the highest tendered price of the bids in the name of a substitute in order to adjust the bid prices to the highest price over all the auction sites are taught because it was well known to change an offer price such as the minimum acceptable price in an auction. However, this assertion, even if valid, does not cure the deficiencies of the references for failing to teach or suggest gathering trade information at the selected auction servers and tendering to the other selected auction sites.

For at least the foregoing reasons, claim 1 and claims 3 and 4 depending therefrom are patentable.

Claims 5-7

Applicants respectfully submit that claim 5 as amended is patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for instance, they do not teach or suggest a method executed by a brokerage computer residing between a user computer of an auction user putting up an identical commodity to be an auctioned commodity and auction computers of auction organizers accessed by a plurality of buyers to perform brokerage operation for auctions among the auction computers, the method comprising sending the information about the auctioned commodity in the name of the user to the auction computers of the specified auction organizers, the auction computers auctioning the auctioned commodity simultaneously to the plurality of buyers accessing the specified auction organizers.

As discussed above in connection with claim 1, Huberman discloses a broker process 230 disposed between customer processes 210a and supplier processes

220a. The broker process 230 "is a process that oversees the auction and acts as auctioneer," and "can accept document services job requests from customer processes 210 and solicit and accept bids on such job requests from supplier processes 220, and can strike bargains between customer processes 210 and supplier processes 220" (col. 8, lines 5-13). As such, the broker process 230 is similar to an auction computer recited in claim 5 (auctioning the auctioned commodity simultaneously to a plurality of buyers), **not** a computer between a user computer and a plurality of auction computers to perform brokerage operation for an auction of an auctioned commodity among the auction computers. Thus, Huberman does not disclose the structure of the auction brokerage operation as recited in claim 5.

Nor does Huberman teach or suggest the method for auction brokerage operation provided by the brokerage computer of claim 5 which resides between the user computer and the plurality of auction computers. Claim 5 recites method steps for auction brokerage operation performed by a brokerage computer between a user computer and a plurality of auction computers. The brokerage computer is <u>not</u> an auctioneer, unlike the broker process 230 in Huberman, which itself characterizes the broker process 230 as an auctioneer.

For example, the broker process 230 in Huberman does not send the information about the auctioned commodity in the name of the user to the auction computers of the specified auction organizers because the broker process 230 itself is essentially an auction computer and it does not interact with a plurality of auction computers (i.e., broker processes) to perform brokerage service as recited in claim 5. Instead, the broker process 230 interfaces with customer processes 210 submitting job requests and with supplier processes 220a providing bids on the job requests.

Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of Huberman because they neither disclose the brokerage computer disposed between the user computer and a plurality of auction computers, nor teach or suggest the method steps for auction brokerage operation as recited in claim 5. Kinney enables each individual bidder to view a comparison of submitted bids in their own context, but it has nothing to do with gathering trade information of how the auctioned commodity has been bid for at the specified auction organizers. Shoham discloses multiple auctions simultaneously and the notification of the participant of the progress of a bid, but it has nothing to do with multiple auctions by auction computers at specified auction organizers for the identical commodity. Odom discloses multiple concurrent auctions, but it has nothing to do with multiple auctions by auction computers at specified auction organizers for the identical commodity. Koopersmith discloses a search server searching a database of website addresses for websites fitting a certain word definition, but it has nothing to do with multiple auctions by auction computers at specified auction organizers for the identical commodity.

The Examiner asserts that the steps of gathering trade information of how the auctioned commodity has been bid for at the specified auction organizers and tendering to the other auction computers the highest bid price of the bid prices in the name of a substitute in order to adjust the bid prices to the highest price over all the auction computers are taught because it was well known to change an offer price such as the minimum acceptable price in an auction. However, this assertion, even if valid, does not cure the deficiencies of the references for failing to teach or suggest gathering trade information at the specified auction organizers and tendering to the other auction computers.

For at least the foregoing reasons, claim 5 and claims 6 and 7 depending therefrom are patentable.

Claims 8-10

Applicants respectfully submit that claim 8 as amended is patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for instance, they do not teach or suggest a computer for residing between an information terminal of a user putting up an identical commodity to be an auctioned commodity and auction servers accessed by a plurality of buyers to perform brokerage service for an auction of the auctioned commodity among the auction servers, the computer comprising means for sending the information about the auctioned commodity in the name of the user to the specified auction servers, the specified auction servers auctioning the auctioned commodity simultaneously to the plurality of buyers accessing the specified auction servers.

As discussed above in connection with claim 1, Huberman discloses a broker process 230 disposed between customer processes 210a and supplier processes 220a. The broker process 230 "is a process that oversees the auction and acts as auctioneer," and "can accept document services job requests from customer processes 210 and solicit and accept bids on such job requests from supplier processes 220, and can strike bargains between customer processes 210 and supplier processes 220" (col. 8, lines 5-13). As such, the broker process 230 is similar to an auction server recited in claim 8 (auctioning the auctioned commodity simultaneously to a plurality of buyers), **not** a computer between an information terminal and a plurality of auction servers to perform brokerage service for an auction of an auctioned commodity among the auction servers.

Huberman does not disclose the computer of the auction brokerage service as recited in claim 8. The computer of claim 8 is not an auctioneer, unlike the broker process 230 in Huberman, which itself characterizes the broker process 230 as an auctioneer. The computer of claim 8 includes various means not taught or suggested for the broker process 230 in Huberman. For example, the broker process 230 in Huberman does not send the information about the auctioned commodity in the name of the user to the specified auction servers because the broker process 230 itself is essentially an auction server and it does not interact with a plurality of auction servers (i.e., broker processes) to perform brokerage service as recited in claim 8. Instead, the broker process 230 interfaces with customer processes 210 submitting job requests and with supplier processes 220a providing bids on the job requests.

Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of Huberman because they neither disclose the computer disposed between the information terminal and a plurality of auction servers, nor teach or suggest the various means contained in the computer for brokerage service as recited in claim 8. Kinney enables each individual bidder to view a comparison of submitted bids in their own context, but it has nothing to do with gathering trade information of how the auctioned commodity has been bid for at the specified auction servers. Shoham discloses multiple auctions simultaneously and the notification of the participant of the progress of a bid, but it has nothing to do with multiple auctions by auction servers for the identical commodity. Odom discloses multiple concurrent auctions, but it has nothing to do with multiple auctions by specified auction servers for the identical commodity. Koopersmith discloses a search server searching a database of website addresses for websites fitting a certain word definition, but it has nothing to do with multiple auctions

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by specified auction servers for the identical commodity.

The Examiner asserts that the means for gathering trade information of how the auctioned commodity has been bid for at the specified auction servers and means for tendering to the other auction servers the highest bid price of the bid prices in the name of a substitute in order to adjust the bid prices to the highest price over all the auction servers are taught because it was well known to change an offer price such as the minimum acceptable price in an auction. However, this assertion, even if valid, does not cure the deficiencies of the references for failing to teach or suggest means for gathering trade information at the specified auction servers and means for tendering to the other auction servers.

For at least the foregoing reasons, claim 8 and claims 9 and 10 depending therefrom are patentable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. NIT-278).

Respectfully submitted,

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